

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4099 of 1990

For Approval and Signature:

Hon'ble MR.JUSTICE PRADIP KUMAR SARKAR

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1. Whether Reporters of Local Papers may be allowed : NO  
to see the judgements?
  2. To be referred to the Reporter or not? : NO
  3. Whether Their Lordships wish to see the fair copy : NO  
of the judgement?
  4. Whether this case involves a substantial question : NO  
of law as to the interpretation of the Constitution  
of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the Civil Judge? : NO

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PATEL OTTAMBHAI VAGHJIBHAI

Versus

STATE OF GUJARAT  
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Appearance:

MR DAXESH T DAVE for Petitioner  
Ms. B.R. Gajjar, Ld.AGP for Respondent No. 1  
MR JAYESH M PATEL for Respondent No. 3  
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CORAM : MR.JUSTICE PRADIP KUMAR SARKAR

Date of decision: 27/04/2000

ORAL JUDGEMENT

Present writ petition has been filed challenging  
the notice issued by the Mamlatdar in pursuance of the  
order passed by Gujarat Revenue Tribunal in Revision

Application No. TEN/BA.6/75 on 2-5-1975. It is submitted by Mr. J.M. Patel learned counsel for the respondent no.3 that the petitioner has challenged the notice for handing over possession of the land, but he has not challenged the order passed by the Gujarat Revenue Tribunal. Further, in pursuance of the notice issued by the Mamlatdar, the possession of the land has already been handed over to the heirs of respondent no.3. Therefore the petitioner cannot get any relief in the present case.

I have heard Mr. Daxesh Dave, learned counsel appearing on behalf of the petitioner. Learned counsel very fairly submitted that the petitioner did not challenge the order of Gujarat Revenue Tribunal passed in aforesaid revision application, which has been decided on 2-5-1975. Since the order of Gujarat Revenue Tribunal passed in Revision Application No. TEN/BA.6/75 dated 2-5-1975 has not been challenged, I am of the view that the Mamlatdar is under an obligation to hand over possession in pursuance of the order of the Tribunal, and no interference is required on the show cause notice. Further in pursuance of the show cause notice the possession has already been handed over to the legal heirs of respondent No.3, and therefore, the matter has been finally settled and no relief can be granted to the petitioner in this petition. Accordingly this petition is dismissed. Rule discharged. I make no order as to costs.

Dt: 27-4-2000

( P.K. Sarkar, J )

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